

HELPFUL HINTS

FOR ESTABLISHING YOUR SECOND UNIT

- Check fees with other departments prior to applying for your second unit. These include Building Inspection Department, Public Works Department, Water Provider, and Sanitary District. They may have fees that could double or triple the estimated cost of establishing your second unit.
- Remember, a second unit is limited to 1,000 square feet of floor area and 400 square feet of garage space. Covered porches, carports, trellises, etc. are counted towards floor area (Detached Units).
- Anything that is not garage space or living area (including covered porches) is not allowed. "Storage" space is not an allowed use in the 2nd Unit ordinance.
- Make sure that your second unit has a separate entrance on the rear or side of the building and is not visible from the street.

APPLYING FOR A RESIDENTIAL SECOND UNIT

1. THINGS YOU SHOULD KNOW BEFORE APPLYING FOR A RESIDENTIAL SECOND UNIT ON PARCELS LOCATED IN UNINCORPORATED CONTRA COSTA COUNTY.

- A. In order to qualify for a residential second unit the subject property must meet the following requirements:
1. At least 6,000 square feet of lot area.
 2. Be located in one of the following zoning districts:
 - Any of the Single-Family Residential (R-6, R-7, R-10, R-12, R-15, R-20, R-40, R-65, and R-100) Districts.
 - Residential Planned Unit District (P-1).
 - Multiple-Family Residential District (M-6, M-9, M-12, M-17 and M-29).
 - Agricultural Districts (A-2, A-3, A-4*, A-20, A-40, and A-80).
- B. **NO VARIANCES** are allowed with the establishment of the second unit. The entire second unit must meet **ALL** primary structure development standards of the applicable zoning district (setback, yard, height, etc.).
- C. Once you have determined that the property meets the requirements above you can proceed with the application.

2. APPLICATION SUBMITTAL REQUIREMENTS

- A. Prior to preparing the application submittal for a residential second unit, please make sure that you have read and understand the attached development standards for Residential Second Units in the County Ordinance (§82-24.012).
- B. The review process for residential second units will generally take 30 to 45 days.
- C. All of the information and materials in the Second Unit Application Checklist must be provided upon submittal of application.
- D. Upon acceptance of the application package for the residential second unit, the request will be reviewed for compliance with the Residential

Second Unit Ordinance by staff. In order to insure compliance with the Residential Second Unit Ordinance, additional information or modification to the proposal may be required.

3. GETTING A BUILDING PERMIT FOR AN APPROVED RESIDENTIAL SECOND UNIT.

- A. After approval but prior to the issuance of a final building permit for the residential second unit, the applicant shall do the following:
- (a) Enter into an agreement of restrictions (example attached) with the County that refers to the deed under which the property was acquired by the applicant and provides the following:
 - (1) “You are purchasing a property with a permit for a second residential unit. This permit carries with it certain restrictions that must be met by the owner of the property. You are prohibited from selling the second unit separately. The second unit is restricted to the maximum size allowed under County Ordinance Code Section 82-24.012. The permit is available from the current owner or from the Contra Costa County Community Development Department.”
 - (2) The second unit shall not be sold separately.
 - (3) The second unit is restricted to the maximum size allowed under Ordinance Code section 82-24.012.
 - (4) The restrictions are binding upon any successor in ownership of the property and lack of compliance may result in legal action by the County against the property owner.
 - (5) The owner of this parcel containing a second unit shall occupy either the primary dwelling unit or the second unit.
 - (6) The property owner is responsible for maintaining the compatibility between the main residence and the second unit at all times.
 - (b) Record the notarized agreement with the County Recorder (The County will provide a form containing the above language to be recorded with the application package).

IMPORTANT NOTICE TO APPLICANTS

The purpose of this notice is to alert you to various issues which may affect your proposed project development. You are encouraged to research these requirements *before* submitting an application for development.

MUNICIPAL ADVISORY COUNCILS (MAC): MAC's have been formed for the communities of Bay Point, Bethel Island, Byron, Diablo, Discovery Bay, El Sobrante, Kensington, Knightsen, North Richmond, Oakley, Pacheco and Rodeo. They will receive a copy of your application for their review and approval. You may wish to contact them independently in advance of submitting your application.

DISCLOSING PROJECT IMPACT ON TREES: *Prior to accepting a development permit (e.g., subdivision, land use permit, development plan or variance) application as complete*, the County will require the following project and tree survey information on a site plan. (Except where no exterior improvements or alterations are proposed.)

The site (grading and development) plan shall *accurately and fully disclose* the location, species, tree dripline, and trunk circumference of all trees with a trunk circumference of 20 inches (50.8 cm; approximately 6½ inches in diameter) or greater, measured 4½ feet (1.37 m) above the ground whose tree trunks lie within 50 feet (15 m) of proposed grading, trenching, or other proposed improvements. The site plan shall include any multi-stemmed tree, the sum of whose circumferences measures 40-inches or more, measured 4½ feet from ground level.

- **Trees Along Property Lines** - The site plan shall include any qualifying trees whose trunks lie on adjoining property but whose canopy (dripline) extends onto the subject property.
- **Numbering of Trees for Identification Purposes** - If the proposed development is in proximity to two or more qualifying trees, then each tree shall be assigned a number for identification purposes (e.g., #3, #5, etc.). (Trees whose trunks are more than 50 feet removed from the proposed ground disturbance need be only denoted by the outline of the aggregate tree canopy.)
- **Identification of Project Impact on Individual Trees** - *The site plan shall also specifically and clearly indicate whether individual trees are proposed to be (1) removed, or (2) altered¹ or otherwise affected².* The plan shall identify any proposed drainage ditches, sewer or water mains, drainage lines or other utility improvements which would result in trenching.

If mature trees are not shown on the site plan as proposed to be removed or altered, the County may assume that those trees are intended to be preserved without alteration, and a County development permit may be so conditioned. ***Applicants should be aware that a subsequent ministerial permit (grading or building permits, or approval of improvement plans) by the County cannot be cleared unless it is consistent with the Tree Ordinance and any applicable development or tree permit.***

- **Tally of Trees to be Removed** - The site plan shall contain a tally of the total number of trees proposed to be removed, and their respective aggregate trunk circumference sizes
- **Project Construction Activity Near Trees** - The site plan (or version thereof) shall disclose the location of any stockpiling, paving, compaction (which may be caused by maneuvering of construction vehicles), parking or storing of vehicles, equipment, machinery or construction materials, or construction trailers, or dumping of oils or chemicals which is proposed within the dripline of any above-described tree.³
- **No Trees Near Development** - If there are no qualifying trees on site (including along the site perimeter) or within 50 feet of proposed development, then that site condition shall be expressly noted on the site plan. In this circumstance, other project details specified in this form may not be needed.
- **Identification of Designated Heritage Trees** - Any tree that has been designated by the Board of Supervisors for "heritage" status shall be so labeled on the site plan.

Failure to fully and accurately disclose information about trees and project impacts that can reasonably be anticipated (trenching for utility lines, drainage ditches, grading, etc.) may result in:

- A.** *staff determining that the application is not complete, in which case the project will not be scheduled for hearing; and/or*
- B.** *subsequent interruption of development activity until such time as there is compliance with applicable tree ordinances.*

¹ For purposes of the Tree Ordinance, "alteration" does not necessarily mean removal of a tree branch or pruning. However, "alteration" does include any proposed trenching, grading, filling, paving, structural development, change in ground elevation within the dripline of a protected tree. Alteration also includes trim by topping (i.e., removal of the upper 25% or more of a protected tree's trunk or primary leader.)

² Though not required, an applicant may also choose to identify on the site plan a third classification of trees - (3) trees to be preserved (without alteration). However, any tree designated on an approved site plan for preservation, or so designated by condition of approval, automatically becomes a "protected" tree under the ordinance. No removal or (unauthorized) alteration of a protected tree is allowed without first obtaining a Tree Permit from the County.

³ These construction related activities are normally prohibited by the Tree Ordinance.

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FLOODPLAIN: Your project must satisfy the requirements of the County's Floodplain Management Ordinance. If a site lies within or partially within a floodplain, flood zone information ***must*** be shown on the site plan. Before a development permit application within any area of Special Flood Hazards can be accepted as complete, the applicant must provide verification from the Floodplain Administrator that the required Flood Zone, Base Flood Elevation and minimum finished floor elevation have been determined, Contact the Public Works Department at (925) 646-1623 to determine the flood zone of your property.

DRAINAGE IMPROVEMENTS AND ROAD IMPROVEMENTS: Your parcel may require major drainage or road improvements under County ordinances and policies. Contact the Public Works Department at (925) 313-2000 as soon as possible to determine the scope of required drainage improvements and road improvements for your project. The counter at the Public Works Department is open from 7:00 am. to Noon and 12:30 - 5:00 p.m. Monday through Thursday, and is located at 255 Glacier Dr., Martinez.

FEES: **Development Application Fees** - The Community Development application fee schedule is structured to generally require sufficient filing fees to cover the cost of processing development applications. Where the application review costs exceed the initial deposit, applicants will be required to submit additional deposits. For additional information about application fees or for a copy of the Application Fee Schedule contact a Community Development Representative at the Application and Permit Center (925) 335-1360.

Staff Costs for Processing an Appeal are Borne by the Applicant - If an interested party files an appeal, the appeal must be accompanied by a filing fee of \$125. However, please note that the County fee schedule requires the applicant to pay fees for all staff costs of processing the appeal, even if the appeal is filed by a party that opposes the project.

California Department of Fish & Game Fees

Post-Approval Fees - Once a development permit is approved, most development still requires issuance of other types of ministerial permits (e.g., building permits, grading permits, parcel maps, etc.). Development fees and additional processing fees are normally payable at the time of the issuance of those permits. Development fees are often required for such area-wide infrastructure improvements as traffic improvements, park dedication, and child care. An estimate for many of the post-approval fees which will apply to your project may be obtained by contacting the Building Inspection Department at (925) 335-1192.

PROPOSED COMMERCIAL OR INDUSTRIAL USES: **Disclosure of Hazardous Materials** - Applications for development permits involving commercial and industrial projects, and uses where hazardous materials will be handled (in accordance with Sec. 65850.2 of the Government Code). To reduce the possibility that your application will be deemed incomplete, you are encouraged to follow the steps listed below:

- Complete a Hazardous Material Questionnaire form **and submit it to the Health Services Department, Hazardous Materials Section.** [4333 Pacheco Blvd., Martinez, CA 94553; Phone - (925) 646-2286; FAX (925) 646-2073.] Forms may be obtained from the Application and Permit Center, Building Inspection Department, or Hazardous Materials Office They can assist you with any questions and additional materials for submittal with your development application.

Notice to Bay Area Air Quality Management District (BAAQMD) - The Air Permit requirements apply to all types of commercial and industrial projects which generate direct sources of air pollution. Copies of the BAAQMD Inquiry Form may be obtained from the Contra Costa Regional Permit Assistance Center (651 Pine Street, 2nd Floor, North Wing, Martinez 925-229-5950), Application and Permit Center, Building Inspection Department, or Health Services Department, Hazardous Materials Section.

Requirement for Business License - The approval of a development permit for a commercial or industrial operation ***neither satisfies nor replaces*** any County requirement to obtain a business license for the proposed use. Applicants may need to separately obtain a business license for their use. Questions on any County requirement for a business license should be directed to the County Treasurer/Tax Collector located at 625 Court Street, Martinez (925-646-4230).

APPLICANT VERIFICATION

I verify that I have read and understand the statements above and on the reverse and have contacted the departments suggested.

Signature: _____ **Name:** _____ **: Date:** _____

Office Use Only

Application File Number

(OVER)

SECOND UNIT DEVELOPMENT STANDARDS

1. 2nd units shall comply with Zoning District setbacks and building height. **No Variances are allowed.** This includes new proposals as well as previously approved variances. Meaning the new second unit cannot attach to an existing accessory structure with a reduced yard or variance to yard.
2. 2nd units are **exempt** from small lot review (save the 6,000 square foot minimum).
3. The total floor area of the 2nd unit shall not exceed 1,000 square feet the square footage under a covered porch or similar structure is counted towards the total floor area and may be established in one of the following configurations.
 - a. The 2nd unit can be attached/part of the primary residence or detached.
 - b. A detached 2nd unit can be attached to an accessory structure, only if the accessory structure meets standard yard requirements. Total area of accessory structure cannot exceed 400 square feet and is limited to garage space (when attached to 2nd unit).

Note: Second Units are limited to **1,000 square feet of floor area and 400 square feet of garage**. Accessory structures such as a trellis, and storage areas are not permitted as part of the unit.

4. Construction of a 2nd unit cannot cause total lot coverage to exceed;
40% in residential districts (R-),
25% in multiple family districts, M-6 thru M-17,
35% in M-29 multiple family district,
Minimum standards established by Final Development Plan for P-1 districts or
40% if lot coverage is not included in FDP,
No maximum lot coverage standard in agricultural districts (A-).
5. A second unit must provide complete independent living facilities, including permanent provisions for living, sleeping, eating, cooking, and sanitation. The second unit may include one kitchen, living room, and dining room, and no more than two bathrooms and two bedrooms only.
6. The second unit shall have a separate entrance located on either building side or rear and not visible from the street front area.
7. A total of three (3) off-street parking spaces are required for the establishment of a 2nd unit, **NO EXCEPTIONS**. Two spaces may be located in tandem configuration, but all off-street parking shall be located outside the required setbacks.
8. The second unit must incorporate the same exterior design, building and roof materials, and colors as the primary dwelling unit. "Exterior design" includes architectural style and exterior features, such as trim, windows, and roof.
9. The 2nd unit must be on a permanent foundation.
10. If a private sewage disposal system, water system or both are proposed to be used; it must meet all applicable county regulations and be approved by the health officer before a second unit may be established. Verification that the standard has been met is required prior to final inspection.

WHEN RECORDED MAIL TO:

COMMUNITY DEVELOPMENT
651 PINE STREET, 4TH FLOOR, NORTH WING
MARTINEZ, CA 94553

APN:
CDD FILE #

NOTICE OF RESTRICTION

I _____(name), owner of the property identified as _____(address), wish to have the following statement included within the title to the above property:

- (1) “You are purchasing a property with a permit for a second residential unit. This permit carries with it certain restrictions that must be met by the owner of the property. You are prohibited from selling the second unit separately. The second unit is restricted to the maximum size allowed under County Ordinance Code Section 82-24.012. The permit is available from the current owner or from the Contra Costa County Community Development Department.”
- (2) The second unit shall not be sold separately.
- (3) The second unit is restricted to the maximum size allowed under Ordinance Code section 82-24.012.
- (4) The restrictions are binding upon any successor in ownership of the property and lack of compliance may result in legal action by the County against the property owner.
- (5) The owner of this parcel containing a second unit shall occupy either the primary dwelling unit or the second unit.
- (6) The property owner is responsible for maintaining the compatibility between the main residence and the second unit at all times.

The undersigned as owner of the property at _____ agrees to the above statement(s).

Signature

Date

ACKNOWLEDGEMENT

STATE OF CALIFORNIA) §

COUNTY OF _____)

On _____, before me, _____,
a Notary Public in and for said State, personally appeared

Personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature _____

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DRAFT

NOT

TO BE

USED

FOR

RECORDATION